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Gloucestershire

Cheltenham, Gloucester
and Tewkesbury District
Saltway House, The George
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GL54 5LJ

14 August 2020

Mrs Lucy White
Planning Officer, Built Environment
Cheltenham Borough Council
Municipal Offices, The Promenade
Cheltenham GL50 1PP

Dear Mrs White

Application No 20/01069/OUT

**Outline application for development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. All matters reserved except for means of access to site from Harp Hill.
Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ**

CPRE objects to the above application for the reasons set out below.

The Planning Context

The application is for a major development on a site in the Cotswolds AONB on the periphery of, but outside, the Cheltenham PUA. The NPPF 2019 (paragraph 172) states that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in ... and Areas of Outstanding Natural Beauty, which have the highest status of protection ... The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

The need to protect the AONB is reflected in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy to 2031 (the JCS) in which Policy SD7 states: *“All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.”*

The Cheltenham Local Plan, which was adopted in July 2020 and is fully consistent with the JCS, contains the following in amplification of Policy SD7:

8.3. Because of its attractive character, which derives from its built form as well as the landscape of the scarp edge, and its location on the urban fringe, the AONB in the Borough is particularly sensitive to development pressures. A restrictive approach is therefore necessary to conserve and enhance both of these elements. The Council considers it particularly important to protect the scarp as the dominant feature of Cheltenham’s setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB.

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8.4. In assessing proposals for development, the Council will be guided by Paras. 115 and 116 of the National Planning Policy Framework (NPPF), Policy SD7 of the Joint Core Strategy (JCS) and the advice of the Cotswold Conservation Board with reference to the latest iteration of the Cotswold AONB Management Plan.*

(* Note that the Cheltenham Plan above refers to paragraphs in the 2012 version of the NPPF.)

JCS Policy SD7 is strongly supported by the Cotswold AONB Management Plan, which deals in considerable detail with the Cotswold scarp. The site is located in Local Character Area (LCA) 2D, Coopers Hill to Winchcombe, one of seven such areas covering the scarp slope from Bath to Edge Hill. In a table, the column headed Local Forces for Change, the Plan refers specifically to LCAs 2A (including Bath) and 2D (including Cheltenham) as those adjacent to by far the two largest settlements located close to the scarp and where, at least by implication, pressures for development are greatest. The two other columns are headed Potential Landscape Implications and Landscape Strategies and Guidelines. In the former, CPRE considers the first, fourth, fifth and ninth bullet points, covering encroachment of built development, proliferation of suburban building styles, spread of lit elements and degradation of views to be particularly important. In the latter, the first second, seventh ninth and thirteenth bullet points, covering the maintenance of open character, intrusive development, layout and design, styles and materials, and light pollution are factors which would militate against the development of this site, even in principle.

In accord with the above policies, the proposed site is NOT allocated for development in the Cheltenham Local Plan.

Housing Land Supply

The applicant argues that, because Cheltenham is currently unable to demonstrate a 5-year housing land supply, the exceptional circumstances of NPPF paragraph 172 apply. However, to make such an exception only a matter of weeks after the Cheltenham Local Plan has been adopted is demonstrably contrary to the spirit and purpose of the planning system as embodied in the NPPF. The calculation of housing land supply is highly variable and depends on many factors outside the planning authority's control, not least the willingness of developers to build out those sites which already have planning permission. Given the many other arguments against a major development on this site, this is an aspect which should attract little weight.

We note that the most recent assessment shows that Cheltenham Borough has a 3.7 year supply of land for housing, compared with 4.6 years in the previous assessment. This decline is explained mostly by the fall in the number of dwellings available in the five-year period under review, from 3,104 to 2,265, or 27%. This in turn is nearly all explained by the fall in the anticipated yield of the strategic sites, West Cheltenham and North West Cheltenham, parts of which lie in Tewkesbury Borough. Cheltenham Borough Council has no control at all over the progress of sites outside its administrative area.

CPRE is not attempting to argue that more dwellings are likely to be built, on these two sites in particular, than the Borough Council predicts. Rather, the issues are these, based on the specific circumstances of Cheltenham and its environs: first, the weight that should be attached to five year supply in decision making; secondly, the way in which the five year supply has been calculated in the JCS area.

In respect of the first issue, CPRE has been concerned for some time about the weight carried by housing land supply in decision making at the expense of other important considerations. The Government attaches great importance to the plan-led system. The dominance of five year supply issue, however, has the effect of undermining it, in that if fewer dwellings are forecast to come forward on allocated sites, then this can (and often does) lead to the release of unallocated sites. The planning system takes the contribution of windfall sites appropriately into account; but these are by definition sites which could not reasonably be identified in advance and allocated in a development plan. However, in this particular case development on a very substantial scale is proposed. The effect of this in the long term in some areas (Cotswold District is a good local example) might be more housebuilding than the development plan provides for. This is not necessarily a bad thing; indeed, we acknowledge that fewer houses overall are being built than the nation requires. (There are issues also of whether the housing which is being provided is of the right type or

in the right location.) Rather, the issues relate to the specific harms which may arise from the release of particular sites and the general effect on the pattern and distribution of development and its sustainability.

The Cheltenham Plan shows that potential supply exceeds the OAN of 10,917 dwellings by a comfortable margin. The 2018 five year supply assessment supposedly includes an appendix containing a legal opinion on whether the Plan could be submitted for Examination in the absence of a five year supply. Although this appendix is missing from the CBC website, the very fact that the Plan underwent Examination indicates what that opinion was. Furthermore, the Plan was found sound subject to Modifications which did not directly concern this issue. The Inspector had this to say at paragraph 53 of the report on the Examination: *“In these circumstances it is not a matter for the Cheltenham Plan to demonstrate the provision of a five year supply of housing land”*, and at paragraph 56, *“the availability and deliverability of the sites identified for housing in the Cheltenham Plan have been tested through the examination process”*.

Turning to the second issue, CPRE has also been concerned about the way in which the five year supply has been calculated from the time of the JCS Examining Inspector’s Interim Report in 2016 onwards. There has been no adequate written explanation of justification of this approach anywhere. CPRE is not aware of a Committee resolution in any of the three constituent authorities. Although there is nothing directly in the NPPF or PPG to prevent this approach, there is nothing to support it either. In the Borough Council’s own documents, it is inadequate to say, as paragraph 12 of the December 2019 Position Statement does, *“the following method of calculating the five year housing land supply for Cheltenham was discussed at the Examination in Public of the JCS and was found sound by the Inspector...”*.

CPRE would have carried out its own assessment based on the Borough Council’s boundaries but the presentation of the data in the main planning documents is so poor that this cannot be done. We would urge the Borough Council to carry out such as assessment.

Landscape Impact

This greenfield site occupies rising open ground on a shoulder of the Cotswold escarpment. The upper part is readily visible from other parts of the escarpment, notably from Cleeve Common, from sections of the Cotswold Way and from other public rights of way. The wider site is also visible from the footpath which borders the western edge of the site and from the upper part of Harp Hill, from which there are extensive views of the escarpment towards Cleeve Hill.

The site has formed an integral part of the Cotswolds AONB since its designation in 1966. Its continued inclusion was confirmed in 1990 following the AONB boundaries review. Throughout that time, the brownfield land to the North of the site was occupied by the many and varied buildings of GCHQ. These were more intrusive into the landscape than the residential development which now occupies the site. It is not therefore a sustainable argument that the landscape value of the site has been reduced by this adjoining residential development.

In 2015, Cheltenham Borough Council commissioned a Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB within its administrative area. The result of this review – the Ryder Report – designated the application site area as Site Ref: LCA 7.1, Oakley Farm Pasture Slopes. In all three categories of assessment: Visual Sensitivity, Landscape Character Sensitivity and Landscape Value; this site was classified as High. The landscape capacity for development was thus assessed as Low. There has been no material change to the nature of the site since this assessment was carried out.

It is accepted that limiting housing development to the lower parts of the site would reduce the damage caused to the landscape. However, the proposal provides for the only major vehicle access to and from the site to be from near the top of Harp Hill. This access in itself would cause extensive damage to the landscape, including changing it from rural to suburban in character.

Transport and Access Issues

The proposal provides cycle and pedestrian access to existing development to the west and to Priors Road, thus enabling access to local services and buses along Priors Road. But, apart from for emergency vehicles, the only vehicle access is from near the top of Harp Hill. Unless there is a good buses service serving the site itself, those unable to walk or cycle a reasonable distance would rely on private transport, as Priors Road is some distance, especially from the Easterly part of the site.

Whatever the claims otherwise, it is inevitable that in a development of this layout and scale extensive use will be made of private transport both for local journeys and for travel further afield.

Harp Hill, with connecting Greenway Lane, Aggs Hill, Mill Lane and Ham Road are minor roads in the AONB which already become congested, especially at peak times, by traffic between the northern part of Cheltenham and Charlton Kings, the east and south. In particular, there is traffic to and from Glenfall Primary School and Balcarras Secondary School. For this reason, the recent residential development at the top of the former GCHQ site (Eden Villas), which has vehicle access onto Aggs Hill, was limited to only 40 dwellings. Lower parts of the GCHQ site are accessed from Priors Road. A vehicle access to the application site near the top of Harp Hill would cause excessive further traffic congestion.

Social Cohesion

While there are limited non-vehicle connections to the adjoining residential site to the west, there is only one vehicular access. As the illustrative masterplan shows, the geography and layout of the application site are in consequence insular in nature. This will lead to any development being cut off from the adjacent built up area with poor social integration with the rest of the town.

The Planning Balance

The benefits of providing of a further 250 dwellings towards meeting Cheltenham's housing requirement, with attendant construction and occupancy economic benefits would be more than outweighed by:

- The damage caused to the local landscape which lies entirely within the Cotswolds AONB
- The disregard of statutory planning policies enshrined in the NPPF, the JCS and the Cheltenham Local Plan. The credibility of the Cheltenham Local Plan, which was only adopted in July 2020 would be particularly damaging.
- The serious impact of the resultant additional traffic on local roads, especially on minor roads within the AONB.
- The creation of another isolated local community.

CPRE urges Cheltenham Borough Council to refuse this application.

Yours sincerely

Major Tom Hancock DL
Chairman, CPRE Cheltenham, Gloucester and Tewkesbury District